

**SUPREME COURT MINUTES  
WEDNESDAY, JULY 20, 2011  
SAN FRANCISCO, CALIFORNIA**

**S192531**      B222214 Second Appellate District, Div. 8      **PEOPLE v. VILLATORO  
(JUAN JOSE)**

Petition for review granted; issues limited

The petition for review is granted.

The issue to be briefed and argued is limited to the following: Was the modification of CALJIC No. 1191, which told jurors they could consider evidence of a *charged* offense in determining defendant's propensity to commit the other charged offenses pursuant to Evidence Code section 1108, reversible error when the court told jurors that all charged offenses must be proved beyond a reasonable doubt?

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S194129**      D056998 Fourth Appellate District, Div. 1      **VICKS (MICHAEL) ON H.C.**  
Petition for review granted

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S193030**      B232615 Second Appellate District, Div. 6      **DONAHUE (LAUREN  
DORETTA) v. S.C. (PEOPLE)**

Petition for review granted; briefing deferred

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Sharp v. Superior Court*, S190646 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S193084**      H035075 Sixth Appellate District      **PEOPLE v. SANCHEZ (JOSE  
GONZALEZ)**

Petition for review granted; briefing deferred

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Brown*, S181963 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S193189** D056138/D058287 Fourth Appellate District, Div. 1 **PEOPLE v. SHOCKMAN  
(KENNETH HARVEY)**

Petition for review granted; briefing deferred

The petition for review is denied.

Review is ordered on the court's own motion. For the purposes of briefing and oral argument, defendant is deemed the petitioner in this court. (Cal. Rules of Court, rule 8.520(a)(6).)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Dungo*, S176886, *People v. Gutierrez*, S176620, *People v. Lopez*, S177046, and *People v. Rutterschmidt*, S176213 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S193197** D057405 Fourth Appellate District, Div. 1 **RUSSO (VINCENT) ON H.C.**

Petition for review granted; briefing deferred

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of related issues in *In re Vicks*, S194129 and *In re Shaputis*, S188655 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S193395** B218204 Second Appellate District, Div. 6 **PEOPLE v. KELLEY  
(RAYMOND LORENZO)**

Petition for review granted; briefing deferred

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Dungo*, S176886, *People v. Gutierrez*, S176620, *People v. Lopez*, S177046, and *People v. Rutterschmidt*, S176213 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S194064** B220954 Second Appellate District, Div. 8 **IN RE LAMPS PLUS  
OVERTIME CASES**

Petition for review granted; briefing deferred

The petition for review is granted.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Brinker Restaurant v. Superior Court*, S166350 (see Cal. rules of Court, rule 8.524 (c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.528, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S194643**      G042873 Fourth Appellate District, Div. 3      **PEOPLE v. NUNEZ**  
**(ANTONIO DE JESUS)**

Review granted on the court's own motion; briefing deferred

Review is ordered on the court's own motion.

For the purposes of briefing and oral argument, the People are deemed the petitioner in this court. (Cal. Rules of Court, rule 8.520(a)(6).) Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Caballero*, S190647 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S192898**      F062248 Fifth Appellate District      **GULLATT III (JOHN JACOB)**  
**ON H.C.**

Petition for review granted; transferred to Court of Appeal, Fifth Appellate District, with directions to issue an order to show cause

The petition for review is granted.

The matter is transferred to the Court of Appeal, Fifth Appellate District. That court is ordered to vacate its summary denial dated April 28, 2011, and is further ordered to issue an order to show cause, returnable before that court. The Secretary of the Department of Corrections and Rehabilitation is to be ordered to show cause, when the matter is placed on calendar, why appellate counsel did not render ineffective assistance by failing to raise the issue that the sentence enhancement for personal and intentional discharge of a firearm (Penal Code § 12022.53, subd. (d)) was unauthorized as not properly pled or proven. (See *People v. Garcia* (2002) 28 Cal.4th 1166, 1174.) The return is to be filed on or before August 19, 2011.

Votes: Cantil-Sakauye, C. J., Kennard, Werdegarr, and Chin, JJ.

**S194003**      B233084 Second Appellate District, Div. 2      **JASSO (HECTOR) v. S.C.**  
**(PEOPLE)**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Two, with directions to issue a writ of review

The petition for review is granted.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Two, with directions to vacate its order denying prohibition and to issue an alternative writ to be heard

before that court when the proceeding is ordered on calendar.

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegar, and Chin, JJ.

**S192018**      B211000 Second Appellate District, Div. 3

**PEOPLE v. AMARO  
(FERNANDO)**

Petitions for review denied

**S192533**      G042846 Fourth Appellate District, Div. 3

**PEOPLE v. ROSS (WILLIE  
ROYDELL), ROSS (MARTIN  
LUTHER) & ROSS, JR.,  
(WILLIE ROYDELL)**

Petitions for review denied

**S192631**      D055431 Fourth Appellate District, Div. 1

**PEOPLE v. GANN  
(NATHANIEL MARCUS)**

Petitions for review denied

Werdegar, J., is of the opinion the petition should be granted.

**S192764**      F058890 Fifth Appellate District

**PEOPLE v. CABANILLAS  
(ANGEL JOSE)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Caballero*, S190647.

**S193042**      E049218 Fourth Appellate District, Div. 2

**PEOPLE v. FLORES (JUAN  
CARLOS)**

Petitions for review denied

**S193059**      F059941 Fifth Appellate District

**PEOPLE v. PEREZ, JR.,  
(HENRY LEONARD)**

Petition for review denied

**S193072**      H036742 Sixth Appellate District

**HOWARD (JERRY) v. S.C.  
(PEOPLE)**

Petition for review denied

Real party's in interest request for judicial notice is granted.

**S193075** C064727 Third Appellate District

**PEOPLE v. NIAZI (BAZ  
MOHAMMAD)**

Petition for review denied

**S193078** B217167/B226570 Second Appellate District, Div. 3 **PEOPLE v. SMITH (JAMES  
ROGERS)**

Petition for review denied

**S193103** B232695 Second Appellate District, Div. 6

**PLACENCIA (FRANCISCO) v.  
S.C. (PEOPLE)**

Petition for review denied

**S193122** H034191 Sixth Appellate District

**BORLIK (CRAIG HUNTER)  
ON H.C.**

Petition for review denied

**S193123** F058828 Fifth Appellate District

**PEOPLE v. SMITH  
(TIMOTHY LEE)**

Petition for review denied

**S193127** C060566 Third Appellate District  
Petitions for review denied

**PEOPLE v. SOTO (JAIRO)**

**S193146** B222055 Second Appellate District, Div. 4

**PEOPLE v. CALDWELL  
(CRYSTAL)**

Petition for review denied

**S193147** B232675 Second Appellate District, Div. 1

**ANTHEM BLUE CROSS OF  
CALIFORNIA, INC. v. S.C.  
(PEOPLE)**

Petition for review denied

Baxter and Chin, JJ., are of the opinion the petition should be granted.

**S193148** E050333 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CARRAHER  
(ANTHONY EUGENE)**

**S193149** D056391 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. SMITH  
(HERMAN)**

**S193155** D056974 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BYRD (AARON  
WADE)**

**S193158** E049875 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. YBARRA  
(ARMANDO MARIO)**

**S193188** C064559 Third Appellate District

Petition for review denied

**PEOPLE v. SPARHAWK  
(TOMMY LEE ENOS)**

**S193209** F060103 Fifth Appellate District

Petition for review denied

**PEOPLE v. SCHAFFER  
(JAMES)**

**S193213** A124339 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MORGAN (DAVID  
BRUCE)**

**S193215** B222358 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. VILLA  
(GERARDO ROSALES)**

**S193243** B216044 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. NERO (BENNIE  
JAVON)**

**S193307** D057171 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. DIAZ (RONALD CARLOS)**

**S193323** B223109 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. CHAVEZ (DAVID)**

**S193332** A124598 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. MAGEE (DEEMARIO BOMONE)**

**S193342** G043054 Fourth Appellate District, Div. 3

Petition for review & depublication request(s) denied

**WILLS (LINDA) v. S.C.**

**S193345** H036297 Sixth Appellate District

Petition for review denied

Corrigan, J., was recused and did not participate.

**TRAVELERS INDEMNITY COMPANY v. WORKERS' COMPENSATION APPEALS BOARD & CIGA**

**S193349** E049482 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. FIRST (DAVID DUAIN)**

**S193362** H035418 Sixth Appellate District

Petition for review denied

**PEOPLE v. PACHECO, JR., (JOSE JUAN)**

**S193386** A123812 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. GONZALES (ANGELO CARLOS)**

**S193392** B223549 Second Appellate District, Div. 5

Petition for review denied  
The requests for judicial notice are denied.

**MERCADO (SONIA) v.  
CASTANEDA (JOSE)**

**S193419**

Petition for writ of mandate/prohibition denied

**TURNER (MOSES LEE) v.  
S.C. (PEOPLE)**

**S193437** C062691 Third Appellate District

Petitions for review denied

**PEOPLE v. DESHAY  
(MONTELL)**

**S193474** F059415/F059611/F059848  
Fifth Appellate District

Petitions for review denied

**PEOPLE v. TUNSTALL  
(COLERIDGE JEROME)**

**S193520** D056694 Fourth Appellate District, Div. 1

Petition for review denied

**TRAN (BUN BUN)/(CITY OF  
SAN DIEGO) v. ARELLANO  
(LEONEL)**

**S193633** B221090 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. MENDEZ  
(ARTURO ARITA)**

**S193634** A126859 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. JORDAN, JR.,  
(MAURICE DON)**

**S193670** A129808 First Appellate District, Div. 4  
Petition for review denied

**IN RE SAUL V.**



**S193753** A131959 First Appellate District, Div. 2

Petition for review denied

**HEDLIN (SHAWN) v. S.C.  
(PEOPLE)**

**S193807** D057091 Fourth Appellate District, Div. 1

Petition for review denied

**T. (MARK) v. Z. (JAMIE)**

**S193815** B233001 Second Appellate District, Div. 6

Petition for review denied

**JENKINS (LeSAUNDRA) ON  
H.C.**

**S193848** A127660 First Appellate District, Div. 4

Petition for review denied

**HELLUM (CHRISTIAN) v.  
BREYER (JAMES W.)**

**S193849** F060488 Fifth Appellate District

Petition for review denied

**PEOPLE v. TINKLE  
(MICHAEL WILLIAM)**

**S193854** B217389 Second Appellate District, Div. 5

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Brown*, S181963.

**PEOPLE v. HOLSTON  
(JOHN)**

**S193855** A126482 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. PAUL (RONALD  
LEON)**

**S193864** B229032 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. LAU (HON  
CHUNG)**

**S193911** H035087 Sixth Appellate District

Petition for review denied

**PEOPLE v. SANTOS (SINICA  
PATRICIA)**

**S193912** B223472 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. LEHMAN  
(GLENN)**

**S193917** B213634 Second Appellate District, Div. 3

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Dungo*, S176886, *People v. Gutierrez*, S176620, *People v. Lopez*, S177046, and/or *People v. Rutterschmidt*, S176213.

**PEOPLE v. GIBSON (HAKIM  
RASHEED)**

**S193920** A125084 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. MEJIA (NICOLAS  
LUCHESSA)**

**S193924** E051098 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. LACY (GARY  
ANDREA)**

**S193926** A126459 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. QUEWON  
(JAMES KWAME)**

**S193933** A129843 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. PADILLA  
(ANTHONY)**

**S193937** B233193 Second Appellate District, Div. 3

Petition for review denied

**TARKINGTON (ANTHONY  
LYLE) v. S.C. (PEOPLE)**

**S193947** G043809 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. THORNBURY  
(ENOCH MATTHEW)**

**S193954** A126181 First Appellate District, Div. 2

Petition for review & depublication request(s) denied  
The request for judicial notice is denied.

**DAVENPORT (JILL L. &  
KENNETH L.), MARRIAGE  
OF**

**S193956** E051019 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. REYES (JULIO  
CESAR)**

**S193967** E050706 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. POWDER  
(CHRISTIE LEE)**

**S193973** B217824 Second Appellate District, Div. 8

Petition for review denied

**AGUILAR (ED) v.  
GOSTISCHEF (LARRY)/  
(FARMERS INSURANCE  
EXCHANGE)**

**S193975** C065759 Third Appellate District

Petition for review denied

**PEOPLE v. WILLIAMS  
(EXZADRIAN VAN)**

**S193985** C063994 Third Appellate District

Petition for review denied

**PEOPLE v. WINTERS  
(ANTHONY JAMES)**

**S193987** C068025 Third Appellate District

Petition for review denied

**WELCH-BROWN (GAYE) v.  
STATE CONTROLLER'S  
OFFICE**

**S193993** B219573 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. WHITE (ERIC  
DONALD)**

**S193996** F057254 Fifth Appellate District

Petition for review denied

**PEOPLE v. CABRERA  
(PETER)**

**S194001** B222282 Second Appellate District, Div. 8

Petition for review denied

**REE (JIN) v. HAHN  
(JENNIFER)**

**S194002** B221617 Second Appellate District, Div. 1

Petition for review denied

**ROYAL PALMS  
APARTMENTS, INC. v. LOS  
ANGELES COUNTY OFFICE  
OF THE ASSESSOR/  
(SPENCE)**

**S194005** E050093 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CORDERO  
(RANDY MATTHEW)**

**S194008** E050256 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. PEREZ (JOSEPH  
SYLVESTER)**

**S194013** D058250 Fourth Appellate District, Div. 1

Petition for review denied

**IN RE E.S.**

**S194030** E050508 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. KARDOH (WAEI)**

**S194034** B221683 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. AREVALO (JOSE  
ANTONIO)**

**S194035** A132106 First Appellate District, Div. 4

Petition for review denied

**DANIELS (LOUIS C.) ON H.C.**

**S194036** D055942 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. SWINGER  
(WAYNE L.)**

**S194044** B232707 Second Appellate District, Div. 6

Petition for review denied

**COTTAGE HEALTH  
SYSTEM v. S.C.  
(MOELLEKEN)**

**S194051** B233244 Second Appellate District, Div. 6

Petition for review denied

**ALDAPE (ALEJANDRO) ON  
H.C.**

**S194053** A127277 First Appellate District, Div. 5

Petition for review denied

**IN RE E.P.**

**S194056** D056533 Fourth Appellate District, Div. 1

Petition for review denied

**POINTE SAN DIEGO  
RESIDENTIAL COMMUNITY  
L.P. v. PROCOPIO, CORY,  
HARGREAVES & SAVITCH  
LLP**

**S194080** B223635 Second Appellate District, Div. 4

Petition for review denied

**SMITH (EARL) v.  
VILLAFANA (REBEKAH)**

**S194087** A126392 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. ADDISON  
(MELVIN AREN)**

**S194092** B232103 Second Appellate District, Div. 5

Petition for review denied

**STEVENSON (GENGHIS  
KAHN A.) v. S.C. (PEOPLE)**

**S194095** A126906/A127683 First Appellate District, Div. 3 **LIONSGATE  
DEVELOPMENT  
CORPORATION v. COUNTY  
OF CONTRA COSTA**

Petition for review denied

**S194144** D059678 Fourth Appellate District, Div. 1 **WOODS II (EARNEST  
CASSELL) ON H.C.**

Petition for review denied

**S194717** E053732 Fourth Appellate District, Div. 2 **BARNUM III (CARL) v. S.C.  
(CPC SOLUTIONS)**

Petition for review & application for stay denied

**S187310** **SUONG (TYLER JAMES) ON  
H.C.**

Petition for writ of habeas corpus denied

**S188085** **SLOANE (DAVID L.) ON H.C.**  
Petition for writ of habeas corpus denied

**S188346** **DAVIS (RICKY LEO) ON H.C.**  
Petition for writ of habeas corpus denied

**S188781** **HARBOTTLE (JERRY) ON  
H.C.**

Petition for writ of habeas corpus denied

**S188783** **CARR (REGINALD) ON H.C.**  
The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**S188787** **ALLEN III (ALTON  
CHARLES) ON H.C.**  
The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S188791**

Petition for writ of habeas corpus denied

**CORNETT (JOSEPH) ON H.C.**

**S188857**

Petition for writ of habeas corpus denied

**MUNGUIA (FELIX) ON H.C.**

**S188987**

Petition for writ of habeas corpus denied

**SLOANE (DAVID L.) ON H.C.**

**S189383**

Petition for writ of habeas corpus denied

**LANE (JEFFREY MICHAEL)  
ON H.C.**

**S189388**

Petition for writ of habeas corpus denied

**KRONGKIET (CHOKCHAI)  
ON H.C.**

**S189697**

Petition for writ of habeas corpus denied

**SPIVAK (JOHN) ON H.C.**

**S189902**

Petition for writ of habeas corpus denied

**JAMES (RODNEY) ON H.C.**

**S190013**

Petition for writ of habeas corpus denied

**TAPIA (ROBERT) ON H.C.**

**S190187**

Petition for writ of habeas corpus denied

**WRIGHT (ERIC L.) ON H.C.**

**S190199**

Petition for writ of habeas corpus denied

**BROWN (JEFFRICK) ON H.C.**

**S190218****GARCIA (ROBERT JOHN)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**S190231****WILLIAMS (LA'MAR D.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S190251****RODRIGUEZ (NOEL) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Lindley* (1947) 29 Cal.2d 709, 723; *In re Miller* (1941) 17 Cal.2d 734, 735.)

**S190261****ADAME (PETE JAMES) ON  
H.C.**

Petition for writ of habeas corpus denied

**S190310****JACKSON (ANDRE'  
LaMARR) ON H.C.**

Petition for writ of habeas corpus denied

**S190315****VANEGA (SANTIAGO) ON  
H.C.**

Petition for writ of habeas corpus denied

**S190356****BURKE (CHARLES  
EDWARD) ON H.C.**

Petition for writ of habeas corpus denied

**S190367****BAKER (KERRY) ON H.C.**

Petition for writ of habeas corpus denied



**S190370****SILVA II (LESLIE W.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S190420****ROBINSON (PRENTISS C.)  
ON H.C.**

Petition for writ of habeas corpus denied

**S190465****DIAZ (JORGE ARMANDO)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**S190473****MENDOZA (JORGE NAHUM  
ESCUTIA) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S190480****TRAN (JONATHAN PHONG  
KHANH) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S190493****JACKSON (N. J.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**S190498****PATEL (PAREN  
HASMUKHBHAI) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

**S190502****JEFFRIES (ALLEN LYNN)  
ON H.C.**

Petition for writ of habeas corpus denied

**S190509****COLLIER (TRACY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925.)

**S190584****GRISSOM (LEVERETT) ON  
H.C.**

Petition for writ of habeas corpus denied

**S190591****NOTHNAGEL (PREN) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

**S190603****BECKMAN (JOHN PAUL) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734, 735.)

**S190613****CROSBY (MICHAEL L.) ON  
H. C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S190665****COLLIER (TRACY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S190694****HARDNEY (JOHN) ON H.C.**

Petition for writ of habeas corpus denied

**S190695****TIRRE (PHILIPPE ANDRE)  
ON H.C.**

Petition for writ of habeas corpus denied

**S190697****OROZCO (VALDO C.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S190719****HEATH (MATTHEW) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S190727****HAYNES (ROBERT L.) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S190728****HAWKINS (RICKEY) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S190731****PATEL (PAREN  
HASMUKHBHAI) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

**S190733****WILLIS, JR., (LEROY) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S190735****GUZMAN (RICHARD) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**S190738****HEATH (MATTHEW) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S190740****CATO, JR., (JAMES) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S190741****MORVAN (JOSEPH P.) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S190746****JONES (MaLINDA JEAN) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225.)

**S190799****GONZALEZ (RAFAEL) ON  
H.C.**

Petition for writ of habeas corpus denied

**S190840****PARRISH (JOHN LEN) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S190846****BRIDGETTE (GEORGE) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

**S190854****BROWN (CEDRICK RAY) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S190911****IMES (ROBERT) ON H.C.**

Petition for writ of habeas corpus denied

**S190921****ALEXANDER (DARRYL) ON  
H.C.**

Petition for writ of habeas corpus denied

**S191479****COLLIER (TRACY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Dixon* (1953) 41 Cal.2d 756, 759.)

**S191988****RODRIGUEZ (NOEL) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**S192005****HARDNEY (JOHN) ON H.C.**

Petition for writ of habeas corpus denied

**S192338****WALKER, JR., (JAMES  
DARYL) ON H.C.**

Petition for writ of habeas corpus denied

**S193000****HARDNEY (JOHN) ON H.C.**

Petition for writ of habeas corpus denied

**S193316****BATTON (ROBERT TURNER)  
ON H.C.**

Petition for writ of habeas corpus denied

**S193453****DOUCETTE (ROBERT J.) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

**S193533****FOX (TERESA) ON H.C.**

Petition for writ of habeas corpus denied

**S193804****JONES (WILLIAM) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S193873****CAPTAIN, JR., (WAYNE  
KERRY) ON H.C.**

Petition for writ of habeas corpus denied

**S193909****JAIME (FRANK) ON H.C.**

Petition for writ of habeas corpus denied

**S193923****GRISSOM (LEVERETT) ON  
H.C.**

Petition for writ of habeas corpus denied

**S194026****JALADIAN (VAHAN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S194077****ROSAS (RICHARD) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S194125****ASAN (ERVIN) ON H.C.**

Petition for writ of habeas corpus denied

**S194152****MEEKS II (WILLIAM B.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S194179****HOPSON (SHANNON R.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S192230** G042235 Fourth Appellate District, Div. 3

Publication request denied (case closed)

**HOLMES (KRISTIE HALSEY)  
v. BURKE (GERALD W.)**

**S192846** B220136 Second Appellate District, Div. 2

Depublication request denied (case closed)

**ALHAMBRA, CITY OF v.  
D'AUSILIO (ROBERT)**

**S193204** H035573 Sixth Appellate District

Depublication request denied (case closed)

**TRINITY PARK, L.P. v. CITY  
OF SUNNYVALE**

**S193219** B223941 Second Appellate District, Div. 3

Publication request denied (case closed)

Corrigan, J., was recused and did not participate.

**COX (ALVIN E.) v. LOUISIAN  
(ARMEN)**

**S193281** B221532 Second Appellate District, Div. 8

Publication request denied (case closed)

**VARGAS (CHRIS & ROBIN),  
MARRIAGE OF**

**S193284** F059256 Fifth Appellate District

Publication request denied (case closed)

**CANANDAIGUA WINE  
COMPANY, INC. v. COUNTY  
OF MADERA/(MADERA  
COUNTY BOARD OF  
SUPERVISORS)**

**S193416** G043469 Fourth Appellate District, Div. 3

Publication request denied (case closed)

**EXQUISITE DENTAL  
TECHNOLOGY, INC. v. CTU  
DENTAL LAB, INC.**

**S004707****PEOPLE v. HAWTHORNE,  
JR., (ANDERSON)**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for condemned inmate Anderson Hawthorne, Jr., filed July 1, 2011, is granted. The order appointing the Federal Public Defender for the Central District of California as counsel of record for condemned inmate Anderson Hawthorne, Jr., filed November 12, 1997, is hereby vacated.

James S. Thomson is hereby appointed as counsel of record for condemned inmate Anderson Hawthorne, Jr. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

**S029551****PEOPLE v. JOHNSON (JOE  
EDWARD)**

Record ordered unsealed

Appellant's "Motion to Unseal Nonpublic Records," filed June 17, 2011, is granted. The Clerk is directed to unseal and make part of the public record the following sealed materials: Reporter's Transcript, volume 49, pages 123 to 258, and volume 50, pages 259 to 267.

**S080276****PEOPLE v. NG (CHARLES  
CHITAT)**

Motion for access to sealed record granted

Respondent's "Motion to Unseal Transcripts of In-Camera Hearings and For Ruling on Previous Motion to Unseal Transcripts," filed February 16, 2010, and respondent's "Supplement to Motion to Unseal Transcripts of In-Camera Hearings," filed April 7, 2011, which appellant Charles Chitat Ng has not opposed, are granted in part. In the supplement filed April 7, 2011, respondent moves that the requested sealed transcripts be unsealed only as to respondent, and otherwise remain under seal. The Clerk is therefore directed to provide respondent access to the following reporter's and clerk's transcripts, and to maintain the transcripts under seal. (See Cal. Rules of Court, rule 8.46(f)(5).) Respondent must supply the personnel and equipment necessary to undertake the examination and copying of these documents, which must occur on the premises of the court. The motion to rule on respondent's "Motion to Unseal Transcript of In-Camera Hearing," filed August 24, 2009, is denied as moot in light of this court's February 24, 2010, order.

Calaveras County Justice Court Clerk's Transcript:

1 CT 1-390

2 CT 391-751

3 CT 752-1074

4 CT 1075-1465



5 CT 1466-1841  
6 CT 1842-1944  
16 CT 5415-5416  
Supp. 1 CT 97-102, 154-156, 225-226

Calaveras County Justice Court Reporter's Transcript:

1 RT 53-98, 108-196D, 197-331, 338-343, 353A-353E, 502-517  
2 RT 561-1 to 561-91, 575-761, 862-904, 912-939, 1008-1017  
3 RT 1389-1421  
4 RT 1463-1490, 1540-1567, 1572-1624, 1662-1740, 1788-1795, 1804-1824  
5 RT 2078-2123, 2193-2244, 2313A-2313L  
6 RT 2372-2408, 2432-2448, 2468-2506, 2525-2555,  
7 RT 2865-2874, 2883-2903, 2993-3013  
8 RT 3147-3163, 3173-3343, 3353-3358, 3363-3525, 3529-3604, 3612-3646, 3647-3707; 3762-3792, 3818-3833, 3899-3910  
9 RT 4073-4083  
12 RT 4742-4756  
13 RT 5069-5071, 5077-5187  
14 RT 5570-5599  
15 RT 5676-5705, 5706-5720, 5746-5757  
October 15, 21, 25, 1999 and November 19, 1999 supplemental reporter's transcript – 1 RT 131-144  
March 3 and 17, 2000, April 6, 19, 26, 28, 2000 supplemental reporter's transcript – 42-48, 84-85, 100-109, 115-118, 206-240, 242-268

Calaveras County Superior Court Clerk's Transcript:

1 CT 148-152A  
3 CT 908-925, 926-1058A, 1059-1070, 1071-1077, 1078-1088, 1092-1100, 1101-1109  
4 CT 1537-1549  
5 CT 1589-1590, 1607-1610, 1611-1614, 1888-1925, 1926-1927, 1928-1929  
6 CT 2013-2015, 2187-2192, 2196-2205, 2212-2224  
7 CT 2352-2384, 2515-2549  
8 CT 2728-2731, 2871-2873, 2892-2893, 2894-2895, 2915.1-2939, 2945-3010, 3012, 3013-3029, 3032-3037, 3040-3119, 3120-3126  
10 CT 3737-3740  
11 CT 3749-4123  
12 CT 4126-4484  
13 CT 4491-4584A, 4725, 4726-4727, 4729-4730, 4731-4802, 4803-4807, 4808-4809  
14 CT 4810-4923, 4924-4946, 5085-5100, 5101-5125, 5138, 5139-5170, 5171-5172, 5173-5178, 5181-5188, 5189-5200  
15 CT 5201-5222, 5224-5226, 5227-5242, 5283-5295, 5299-5307, 5412-5423, 5442-5452, 5453-5473  
16 CT 5707-5721, 5722-5742

19 CT 6739-6740, 6741-6743, 6744-6755, 6756-6758

21 CT 7187-7228

Augmented 1 CT 1-3, 7

Supp. I CT 54-59, 60-66, 85-87, 106-108, 118-120, 131, 150-151, 154-156, 157-163, 164-167, 168-172, 173-175, 176-179, 180-181, 182-183, 187-189, 194-197, 206-209

Penal Code section 987.2 - 1 CT 1-14

Penal Code section 987.9 - 1 CT 1-250, 2 CT 251-488, 3 CT 489-537, 4 CT 538-834, 5 CT 835-857

Augmented Penal Code Section 987.9 - 1 CT 1-263

Supp. Penal Code section 987.9 - 1 CT 1-75

Calaveras County Superior Court Reporter's Transcript:

1 RT 40-43

2 RT 440-445, 461-470

5 RT 1200-1225

6 RT 1612-1621, 1677-1684

7 RT 1819-1957, 1962-2045

Orange County Superior Court Clerk's Transcript:

1 CT 166-168, 171-211

2 CT 554-561

4 CT 1234-1238, 1262-1265, 1267-1269, 1272, 1275, 1277, 1278-1280, 1285-1292, 1295-1304, 1305-1307, 1308-1310, 1315-1334A

5 CT 1557-1560, 1626-1628

6 CT 2031-2032A

7 CT 2091-2098, 2258

8 CT 2451-2476, 2546-2619

9 CT 2842-2857, 2864-2875, 2876-2923, 2924-2926A, 2927-2940, 2944-2956, 2957-2959, 2961-3044, 3045-3116, 3127, 3146-3171, 3173-3186

10 CT 3332-3367, 3368-3424, 3425-3488, 3489-3549, 3558-3566

11 CT 3567-3621, 3677-3688, 3694-3699, 3702-3728, 3729-3760, 3766-3768, 3787-3797, 3913-3935, 3941-3962

12 CT 4029-4032A, 4033-4072

13 CT 4104-4503

14 CT 4504-4903

15 CT 4904-5105, 5106-5303

16 CT 5304-5703

17 CT 5704-6103

18 CT 6104-6107A&B, 6110-6121, 6146-6152, 6153-6155, 6163-6176, 6222-6358, 6388-6393

19 CT 6456-6504, 6518-6522, 6555-6566, 6665-6676, 6824-6841

20 CT 6896-6907, 6971-6972, 6973-6996

21 CT 7504-7515

22 CT 7561-7564

25 CT 8461-8472, 8482-8505, 8506-8552, 8559-8589  
29 CT 9747-9756  
33 CT 10,901-10,912, 11,118-11,119, 11,133-11,157, 11,177-11,188  
34 CT 11,268-11,305, 11,317-11,345, 11,490-11,492, 11,504-11,506  
35 CT 11,833, 11843-11,844, 11,856-11,858, 11,932-11,936, 12,009-12,010  
36 CT 12,268-12,270  
39 CT 12,890-12,891, 12,951-12,955, 12,975, 13,071-13,073  
52 CT 17,296-17,673  
53 CT 17,674-18,074  
54 CT 18,075-18,474  
55 CT 18,475-18,874  
56 CT 18,875-19,274  
57 CT 19,275-19,462, 19,538-19,549, 19,550-19,579  
I Supp. 1 CT 166-179  
Feb 22, 2008 Supp. 1 CT 111-115, 116-122  
Penal Code section 987.9 records - 1 CT 1-206, 2 CT 207-606, 3 CT 607-990, 4 CT 991-1389, 5  
CT 1390-1698, 6 CT 1699-2081, 7 CT 2082-2272  
Supp. Penal Code section 987.9 records - 1 CT 1-10  
Penal Code section 987.2 records - 1 CT 1-167

Orange County Superior Court Reporter's Transcript:

1 RT 51-1 to 51-42, 142-2 to 142-12, 152-2 to 156-18  
2 RT 334-374, 426-447  
3 RT 478-479  
4 RT 852-853, 906-916, 952-964  
6 RT 1465-1540  
7 RT 1624-1649, 1852-1856  
10 RT 2494-2497  
11 RT 2717-2720  
20 RT 4933-4946  
21 RT 4965-4982  
22 RT 5235-5251  
27 RT 6682-6697  
28 RT 6722-6747  
30 RT 7131-7151  
33 RT 8169-8205  
40 RT 9986-10035  
Penal Code section 987 records - 1 RT 1-62

**S187622****O'MALLEY III (JAMES  
FRANCIS) ON H.C.**

Motion for access to sealed record granted

The Attorney General's "Motion for Access to Sealed Penal Code Section 987.9 Materials, and Sealed Transcripts for Use in the Pending State Habeas Proceeding," filed on March 28, 2011, is granted in part, as follows. The Clerk is directed to provide the Attorney General access to the following materials filed in the record of *People v. O'Malley*, No. S024046:

- 1) The two individually sealed envelopes containing the following pages of the original Clerk's Transcript (sealed clerk's minutes): 4246, 4258, 4348, 4350, 4352, 4479, 4485, 4543, 5297-5299, 5305.
- 2) The individually sealed envelopes containing pages 801-1077 (Volume 4), 1078-1243 (Volume 5), 1244-1382 (Volume 6), and 8069-8430 (Volume 31) of the First Augmented Clerk's Transcript.
- 3) The individually sealed envelopes containing the following additional pages of the First Augmented Clerk's Transcript: 759-760, 761-771, 772-788, 789-796, 797, 1495-1507, 1508-1529, 1530-1531, 1532-1533, 1534-1535, 1536-1606, 1607, 1608-1609, 1610-1613, 1614-1621, 1622-1641, 1642-1647, 1652-1680, 1681-1697, 1698-1719, 1721-1761, 1762, 1764-1776, 1779-1808, 1810-1839, 1845A-1898, 1899-1983, 1997-1999, 2000-2002, 2007-2011, 2012-2100, 7479-7494, 7497-7506, 7545-7677, 7823-7836, 8586-8591, 8593-8616, 8617-8618, 8623-8642, 8662-8710.
- 4) The three volumes of the sealed Augmented Clerk's Transcript labeled "P.C. Section 987.9" (also labeled "2d Augm.").
- 5) The individually sealed envelope containing pages 157-177 of the Third Augmented Clerk's Transcript.
- 6) The single volume of the sealed Augmented Clerk's Transcript labeled "P.C. 987 Documents Only."
- 7) The sealed reporter's transcripts corresponding to the following dates: April 27, 1989; June 1, 1989; September 5, 1989; October 18, 1989; November 20, 1989; December 6 and 12, 1989, and January 4, 1990; February 27, 1990; September 13, 1990; April 15, 1991; April 17, 1991; April 30, 1991.

The Attorney General's request for access to pages 1383-1411 and 1985-1996 of the First Augmented Clerk's Transcript is denied because these documents are unrelated to the issues raised in the habeas corpus petition filed on October 26, 2010.

This court has been unable to locate any sealed Penal Code section 987.9 or section 987, subdivision (d), documents corresponding to the following dates: January 20, 1989, March 7, 1989, and April 12, 1989. However, the court refers the Attorney General to the augmentation records included in the materials identified above.

This court has been unable to locate any sealed Penal Code section 987.9 or section 987, subdivision (d), documents corresponding to numbers 31, 38 and 42 in the trial court's "Order Sealing Items in the Court File," filed on November 22, 1995. Petitioner's requests for an in camera hearing and for further opportunity to review documents and suggest redactions are denied.

The Attorney General must supply the personnel and equipment necessary to undertake the

examination and copying of these documents, which must occur on the premises of the court. These documents remain under seal and their use must be limited solely to the pending proceeding. (See Pen. Code § 987.9, subd. (d); Cal. Rules of Court, rule 8.46(f)(5), (g).)

**S191287****STREETER, JR., (HOWARD L.) ON H.C.**

Motion to file document under seal granted

Petitioner's "Application for Leave to File Under Sealed Exhibits [155-177] in Support of Petition for Writ of Habeas Corpus," filed March 9, 2011, is granted.

The clerk is directed to file under seal Exhibits 155 through 171, which were lodged conditionally under seal on March 9, 2011.

Respondent's "Application for Leave To File Under Seal Opposition to Petitioner's Application to File Under Seal Exhibits 155-171 in Support of Petition for Writ of Habeas Corpus (Unredacted Version)," filed March 24, 2011, is granted.

The Clerk is directed to file under seal respondent's "Opposition to Petitioner's Application to File Under Seal Exhibits 155-171 in Support of Petition for Writ of Habeas Corpus (Unredacted Version)," which was lodged conditionally under seal on March 24, 2011.

In ordering the sealing, this court makes the findings required by California Rules of Court, rules 2.550(d) and 8.46(e).

Counsel are ordered not to publicly disclose the contents of the documents identified above unless and until there is a further order of this court permitting such disclosure. Counsel are reminded that if they wish to disclose these documents in any pleading, those pleadings must be filed under seal, for which permission must be sought under California Rules of Court, rule 8.46.

**S193857****ACCUSATION OF YUSUF**

Petition denied

(accusation)

**S192198****HO ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation with charges pending of LAWRENCE YING DAT HO, State Bar Number 134536, as a member of the State Bar of California is accepted. If LAWRENCE YING DAT HO subsequently seeks reinstatement, the State Bar may consider all disciplinary charges that are currently pending against him.

LAWRENCE YING DAT HO must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may be considered in any future reinstatement proceeding.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S193757****KOCH ON RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with disciplinary charges pending of RUSSELL MILTON KOCH, State Bar Number 23390, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) RUSSELL MILTON KOCH remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) He may move in the State Bar Court to be restored to active status, at which time the Office of Chief Trial Counsel may demonstrate any basis for his continued ineligibility to practice law. The State Bar Court will expedite the resolution of any request by RUSSELL MILTON KOCH to be restored to active status. Any return to active status will be conditioned on RUSSELL MILTON KOCH's payment of any dues, penalty payments, and restitution owed by him. The underlying disciplinary matter should proceed promptly.

**S193762****RABINOWITZ ON  
RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation with charges pending of VICTOR CHAIM RABINOWITZ, State Bar Number 112287, as a member of the State Bar of California is accepted. If VICTOR CHAIM RABINOWITZ subsequently seeks reinstatement, the State Bar may consider all disciplinary charges that are currently pending against him.

VICTOR CHAIM RABINOWITZ must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may be considered in any future reinstatement proceeding.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

